

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. I, Special Agent Theodore M. Socha, Federal Bureau Investigation (FBI), being duly sworn, depose and state the following:
2. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since July 2003. I am currently assigned to the Columbia Division, drug and violent crime squad in Columbia, South Carolina from November 2021 until present conducting investigations pertaining to violent crime, violent criminal gangs and illegal narcotics. Prior to that, I was assigned in June of 2015, to the FBI Columbia Division's Joint Terrorism Task Force (JTTF) where I conducted investigations which typically pertained to violations of Title 18 of the United States Code.
3. As a result of my training and experience as an FBI Special Agent, I am familiar with Federal criminal laws and know that the following is a violation of 18 U.S.C. § 922(g)(1). I am aware of the facts contained herein based upon information provided to me by other law enforcement officers. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known by the government concerning criminal activities committed by the defendant.

Federal Offense Under Investigation

4. This affidavit is made in support of my belief that on or about June 9, 2020, Dwight Xavier Jones violated 18 U.S.C. § 922(g)(1), by knowingly possessing a firearm in the District of South Carolina after being convicted of a crime for which he could have received a term of imprisonment exceeding one year.

June 9, 2020 Arrest of Dwight Xavier Jones

5. On June 9, 2020, at approximately 2:30 a.m., Cayce Police Officer J. O'Shaughnessy observed a black male, later identified as Dwight Xavier Jones, walking in the roadway near the intersection of Julius Felder Street and Allen Street in Cayce, South Carolina. Officer O'Shaughnessy spoke with Jones, who indicated that he was on his way to his mother's house on Allen Street. As Jones neared the officer, the officer observed a silver and black handgun tucked into Jones' waistband.
6. Officer O'Shaughnessy detained Jones, advised that Jones was being detained because of the firearm, and moved Jones toward the officer's police vehicle. As he did so, Jones tensed up and began reaching toward his waistband and the firearm. Officer O'Shaughnessy called for backup.
7. Jones shuffled to his left in an apparent attempt to flee. At that time, Officer O'Shaughnessy grabbed the firearm out of Jones waistband and gave him a loud verbal command to stop, as Jones took off running. Jones fled down Allen Street, dropping his cell phone along the way.
8. Officer O'Shaughnessy cleared and secured the firearm in his vehicle. The firearm was a .380 Bersa handgun.

Interstate Nexus Requirement

9. On June 28, 2023, Special Agent Richard Brown, an ATF Senior Special Agent and firearms nexus expert, advised that the Bersa pistol identified above was manufactured outside the state of South Carolina. Therefore, that firearm had crossed state lines at some point in its existence.

Prior Felony Conviction Requirement

10. I obtained a criminal history for Jones. I was able to determine that prior to June 9, 2020, Jones had been convicted of at least the following felony offenses, each of which prohibit Jones from possessing a firearm, according to his criminal history:
 - a. In 1996, Jones was convicted of Manufacture/Distribution of Crack Cocaine 1st in Lexington County, which is a crime punishable by imprisonment for a term exceeding one year under South Carolina law. Following this conviction, Jones was sentenced pursuant to the Youthful Offenders Act to a sentence of imprisonment not to exceed 6 years. On that same date, Jones was convicted of two additional counts of Manufacture/Distribution of Crack Cocaine 1st; on each of those counts, Jones was sentenced to 15 years imprisonment, suspended to 5 years probation.
 - b. In 1999, Jones was convicted of Manufacture/Distribution/Possession of Cocaine 1st, which is a crime punishable by imprisonment for a term exceeding one year under South Carolina law. Following this conviction, Jones was sentenced to 9 years with credit for time served.
 - c. In 2009, Jones was convicted of Possession of less than 1 gram of Methamphetamine, which is a crime punishable by imprisonment for a term exceeding one year under South Carolina law. Following this conviction, Jones was sentenced to 3 years, suspended upon the service of 384 days time served and 2 years of probation.
 - d. In 2011, Jones was convicted of Assault and Battery of a High and Aggravated Nature, which is a crime punishable by imprisonment for a term exceeding one year under South Carolina law. Jones was sentenced to 5 years imprisonment suspended upon the service of 442 days time served and 2 years probation.

Rehaif Knowledge Requirement

11. I have obtained evidence that the requirement that Jones have knowledge of the facts that gave rise to his prohibited status, as required by the Supreme Court in *United States v. Rehaif*, is satisfied in this case. 139 S.Ct. 2191 (2019).
12. I have confirmed through the South Carolina Department of Corrections (SCDC) that, on at least two occasions, Jones served a term of imprisonment for more than one year, and thus has knowledge that he has been convicted of a felony offense. SCDC records also confirm that he is a convicted felon. He was incarcerated in SCDC from March 3, 1999 through at least June 28, 2001, and was incarcerated again on August 10, 2011 until his release on March 1, 2013. On both of

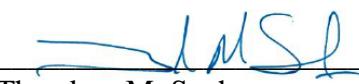
those occasions, Jones actually served more than one year in SCDC. Therefore, there is evidence that he knew he was convicted of a crime that could be punished by more than one year in prison.

Conclusion

13. Based on the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe that Dwight Xavier Jones did, on or about June 9, 2020, violate 18 U.S.C. § 922(g)(1), by possessing a firearm after being convicted of a crime punishable by a term of imprisonment exceeding one year. In consideration of the foregoing, I respectfully request that this Court issue a Criminal Complaint and Arrest Warrant for Dwight Xavier Jones.

The information above is true and correct to the best of my knowledge.

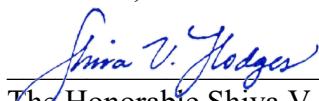
Assistant United States Attorney Jane B. Taylor has reviewed this Affidavit.



Theodore M. Socha
Special Agent
Federal Bureau Investigation

SWORN TO ME VIA TELEPHONE OR OTHER
RELIABLE ELECTRONIC MEANS AND
SIGNED BY ME PURSUANT TO
FED. R. CRIM. P. 4.1 AND 4(d).

This 30th day of June, 2023
Columbia, South Carolina



The Honorable Shiva V. Hodges
UNITED STATES MAGISTRATE JUDGE